

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RICKEY PHILLIPS, as Administrator of the  
Estate of SUSAN PHILLIPS, deceased,**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:06CV84WKW**

**PACTIV CORPORATION and  
LOUISIANA-PACIFIC CORPORATION,**

**DEFENDANTS**

**MOTION TO ALLOW PLAINTIFF TO SEND  
DISPUTED MATERIAL TO MAGISTRATE JUDGE  
FOR *IN CAMERA* INSPECTION**

Comes now the Plaintiff and says as follows:

1. Plaintiff has prepared a video recording which has subsequently been transferred in whole to a CD for electronic storage and viewing. This CD is referred to in this and subsequent statements as the *Floral Mediation CD*.

2. The *Floral Mediation CD* contains the recorded witness interviews which are the subject of Defendants' motion to compel production.

3. The Florala Mediation CD is the exact written format previously shown to Defendants after a confidentiality agreement.

4. The Florala Mediation CD takes approximately 80 minutes to review.

Wherefore, the Plaintiff moves this Court for an order or invitation to send a CD version of the Florala Mediation CD to this Court for an *in camera* inspection to determine that the material contained in the CD is not subject to discovery and that the witness statements of Buck Roberts, Roy Ezell, Carlton Dukes and Jacky Partridge are substantially the same as their affidavits previously provided to this Court and the Defendants.

Respectfully submitted this 30<sup>th</sup> day of June, 2006.

/s/ W. Eason Mitchell  
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**Certificate of Service**

I, W. Eason Mitchell, hereby certify that on June 30, 2006, I electronically filed the foregoing *Motion to Allow Plaintiff to Send Disputed Material to Magistrate Judge for in Camera Inspection* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

H. Thomas Wells, Jr., Esq.  
John A. Earnhardt, Esq.  
Dennis R. Bailey, Esq.  
R. Austin Huffaker, Esq.  
Edwin Bryan Nichols, Esq.  
Erin O'Kane Scott, Esq.  
John C. Berghoff, Jr, Esq.  
Matthew C. Sostrin, Esq.  
Mark R. Ter Molen, Esq.

/s/ W. Eason Mitchell  
W. Eason Mitchell

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